

NEW MEXICO SUPREME COURT ANNOUNCEMENTS
UPDATED OCTOBER 7, 2013

**ITEM 1 OF 2: HEARINGS ON EXTRAORDINARY WRIT PETITIONS AND
DISCIPLINARY PROCEEDINGS**

AGENDA FOR Wednesday, October 23, 2013

CALL OF THE DOCKET FOR THE FOLLOWING CASE IS 9:00 A.M.

EXTRAORDINARY WRIT PROCEEDING: 60 MINUTES WILL BE ALLOTTED FOR ORAL ARGUMENT

NO. 34,306

**ROSE GRIEGO and KIMBERLY KIEL,
MIRIAM RAND and ONA LARA PORTER,
A.D. JOPLIN and GREG GOMEZ,
THERESE COUNCILOR and TANYA STRUBLE,
MONICA LEAMING and CECELIA TAULBEE, and
JEN ROPER and ANGELIQUE NEUMAN,**

Plaintiffs-Real Parties in Interest,

v.

**MAGGIE TOULOUSE OLIVER,
in her official capacity as Clerk of Bernalillo County, and
GERALDINE SALAZAR,
in her official capacity as Clerk of Santa Fe County,**

Defendants-Real Parties in Interest,

and

**STATE OF NEW MEXICO, ex rel.,
NEW MEXICO ASSOCIATION OF COUNTIES,
as the collective and organizational representative of
New Mexico's thirty-three (33) Counties, et. al,**
Intervenor-Petitioners,

and

HON. ALAN M. MALOTT,

Respondent.

Counsel for Petitioners: Steven Kopelman, Esq., General Counsel, Santa Fe, NM; Daniel A. Ivey-Soto, Esq., Special Counsel, Albuquerque, NM

Counsel for Respondent: Office of the Attorney General, Gary King, Attorney General, Scott Fuqua, Assistant Attorney General, Santa Fe, NM

Counsel for Plaintiffs-Real Parties in Interest: American Civil Liberties Union of NM Foundation, Laura Schauer Ives, Esq., Alexandra Freedman Smith, Esq., Albuquerque, NM; Sutin, Thayer & Browne, P.C., Peter Kierst, Esq., Lynn Mostoller, Esq., Albuquerque, NM; Wray & Girard, P.C., J. Kate Girard, Esq., Albuquerque, NM; Sanders & Westbrook, P.C., Maureen A. Sanders, Esq., Albuquerque, NM; American Civil Liberties Union Foundation, Elizabeth O. Gill, Esq., James D. Esseks, Esq., San Francisco, CA; Law Office of Lynn Perls, N. Lynn Perls, Esq., Albuquerque, NM; National Center for Lesbian Rights, Shannon P. Minter, Esq., Christopher F. Stoll, Esq., San Francisco, CA

Counsel for Real Party in Interest Oliver: Bernalillo County Attorney's Office, Randy M. Autio, Esq., Peter S. Auh, Esq., Albuquerque, NM

Counsel for Real Party in Interest Salazar: Santa Fe County Attorney, Stephen C. Ross, Esq., Santa Fe, NM

AGENDA FOR Monday, October 28, 2013

CALL OF THE DOCKET FOR THE FOLLOWING CASE IS 1:30 P.M.

DISCIPLINARY PROCEEDING:

NO. 34,293

**IN THE MATTER OF
JANE E. ABRAMS, ESQ.**

**An Attorney Licensed to
Practice Before the Courts
of the State of New Mexico**

Counsel for the Disciplinary Board: *Anne L. Taylor, Assistant Disciplinary Counsel, Albuquerque, NM*
Counsel for Respondent: *Jane E. Abrams, Las Cruces, NM*

AGENDA FOR Wednesday, November 6, 2013

CALL OF THE DOCKET FOR THE FOLLOWING CASES IS 9:00 A.M.

DISCIPLINARY PROCEEDING:

NO. 26,217

**IN THE MATTER OF
LANA MARCUSSEN**

**An Attorney Suspended from the
Practice of Law in the Courts of
the State of New Mexico**

Counsel for the Disciplinary Board: *William D. Slease, Chief Disciplinary Counsel, Albuquerque, NM*
Counsel for Respondent: *Lana Marcussen, Phoenix, AZ*

BOARD OF BAR EXAMINERS PROCEEDING:

NO. 34,329

**IN THE MATTER OF THE APPLICATION
OF HERBERT M. STRASSBERG FOR ADMISSION
TO THE BAR OF THE STATE OF NEW MEXICO**

Counsel for the Applicant: *Herbert M. Strassberg, Torrance, CA*
Counsel for Board of Bar Examiners: *Howard R. Thomas, Esq., Albuquerque, NM*

ITEM 2 OF 2: OCTOBER 2013 ORAL ARGUMENT AND BRIEFS-ONLY CALENDAR

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

**ORAL ARGUMENT CALENDAR
TUESDAY, OCTOBER 15, 2013**

ORAL ARGUMENT WILL BE HEARD IN THE FOLLOWING CASES

CALL OF THE DOCKET FOR THE FOLLOWING CASES IS 9:00 A.M.
COUNSEL SHOULD CHECK IN WITH THE CLERK'S OFFICE BEFORE 9:00 A.M.

ON CERTIORARI:

**NO. 33,779 RP (1 vol); Supp. RP (1 vol); Exhibits (1 large env); Transcript (3 vol; 1 CD); BIC; AB; RB
(District Judge Lisa C. Schultz)**

STATE OF NEW MEXICO,

Plaintiff-Petitioner,

v.

MICHAEL T. VENTO,

Defendant-Respondent.

Counsel for Petitioner - *Office of the Attorney General, Jacqueline R. Medina, Assistant Attorney General, Albuquerque, NM*
Counsel for Respondent - *Office of the Public Defender, Mary Barket, Assistant Appellate Defender, Santa Fe, NM*

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

ORAL ARGUMENT CALENDAR

TUESDAY, OCTOBER 15, 2013, 9:00 A.M. - Continued

ON CERTIORARI:

**NO. 33,763 Record Proper (1 vol); Transcript (1 vol); Exhibits (1 env); BIC; AB; RB
(District Judge Neil C. Candelaria)**

STATE OF NEW MEXICO,

Plaintiff-Petitioner,

v.

DANIEL ALMANZAR,

Defendant-Respondent.

Counsel for Petitioner - *Office of the Attorney General, Nicole Beder, Assistant Attorney General, Albuquerque, NM*

Counsel for Respondent - *Office of the Public Defender, Nina Lalevic, Assistant Appellate Defender, Albuquerque, NM*

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

ORAL ARGUMENT CALENDAR
TUESDAY, OCTOBER 15, 2013 - Continued

CALL OF THE DOCKET FOR THE FOLLOWING CASE IS 1:30 P.M.
COUNSEL SHOULD CHECK IN WITH THE CLERK'S OFFICE PRIOR TO 1:30 P.M.

CAPITAL APPEAL:

NO. 33,730 RP (2 vol); Transcript (3 vol; 1 CD); BIC; AB; RB due 9/23/13
(District Judge John M. Paternoster)

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

CHRISTOPHER BARNEY,

Defendant-Appellant.

Counsel for Appellant - *Office of the Public Defender, Ian Thomson Loyd, Assistant Appellate Defender, Santa Fe, NM*

Counsel for Appellee - *Office of the Attorney General, Joel Jacobsen, Assistant Attorney General, Albuquerque, NM*

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

ORAL ARGUMENT CALENDAR
MONDAY, OCTOBER 28, 2013

ORAL ARGUMENT WILL BE HEARD IN THE FOLLOWING CASES

CALL OF THE DOCKET FOR THE FOLLOWING CASES IS 9:00 A.M.
COUNSEL SHOULD CHECK IN WITH THE CLERK'S OFFICE BEFORE 9:00 A.M.

ON CERTIORARI:

NO. 33,884 RP (107 vol); Supp. RP (1 vol); Transcript (23 vol; 15 tapes; 1 CD; 3 binders); Exhibits (7 boxes); BIC; AB; RB
(District Judge Freddie Joseph Romero)

CONCEPTION & ROSARIO ACOSTA, et al.,

Plaintiffs/Intervenors-Petitioners,

v.

**SHELL WESTERN EXPLORATION AND
PRODUCTION, INC., and SHELL OIL COMPANY,**

Defendants-Respondents.

Counsel for Petitioners - Tucker Law Firm, P.C., Steven L. Tucker, Esq., Santa Fe, NM; Law Offices of Martin N. Buchanan, Martin N. Buchanan, Esq., San Diego, CA

Counsel for Respondents - Rodey, Dickason, Sloan, Akin & Robb, P.A., Edward R. Ricco, Esq., Jocelyn C. Drennan, Esq., Albuquerque, NM; Modrall, Sperling, Roehl, Harris & Sisk, P.A., Marte D. Lightstone, Esq., Albuquerque, NM

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

ORAL ARGUMENT CALENDAR
MONDAY, OCTOBER 28, 2013, 9:00 A.M. - Continued

ON CERTIORARI:

NO. 34,083 **RP (3 vol); Transcript (2 vol); BIC; AB; RB due 9/19/13**
(District Judge Barbara J. Vigil)

AMETHYST LAND CO., INC.,
a New Mexico Corporation,

Plaintiff-Respondent,

v.

JAMES F. TERHUNE and ELIZABETH
R. TERHUNE,

Defendants-Petitioners.

Counsel for Petitioners - *Clifford C. Gramer, Esq., Albuquerque, NM*

Counsel for Respondent - *O’Friel and Levy, P.C., Aimee S. Bevan, Esq., Albuquerque, NM*

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

ORAL ARGUMENT CALENDAR
WEDNESDAY, OCTOBER 30, 2013, 9:00 A.M.

AT
SANTA FE HIGH SCHOOL

10th CIRCUIT CERTIFICATION:

NO. 33,950 10th Circuit Briefs, Appendix, and Supplemental Appendix; BIC; AB; RB, Amicus Brief
(Chief Judge Mary Beck Briscoe; and Circuit Judges Neil M. Gorsuch and Paul J. Kelly Jr.)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

JAMES OLIVER REESE,

Defendant-Appellant.

Counsel for Appellant - Robert Jason Bowles, Esq., Albuquerque, NM; Law Offices of Monnica L. Garcia, LLC, Monnica L. Garcia, Esq., Albuquerque, NM; Paul Kennedy & Associates, Paul J. Kennedy, Esq., Justine C. Fox-Young, Esq., Albuquerque, NM; Marchiondo Law Offices, P.C., William C. Marchiondo, Esq., Albuquerque, NM; Louis I. Cole, P.C., Louis I Cole, Esq., Dallas, TX

Counsel for Appellee - Office of the U.S. Attorney, Jennifer M. Rozzoni, Assistant U.S. Attorney, Albuquerque, NM

Counsel for Amicus NM Criminal Defense Lawyers Association - Trace L. Rabern, Esq., Santa Fe, NM

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

BRIEFS ONLY CALENDAR
OCTOBER 2013

THE FOLLOWING CASES WILL BE SUBMITTED TO THE COURT
WITHOUT ORAL ARGUMENT

ON CERTIORARI:

NO. 33,847 **Record Proper (1 vol); Transcript (1 CD); Exhibits (1 env); BIC; AB**
(District Judge Robert S. Orlik)

STATE OF NEW MEXICO,

Plaintiff-Respondent,

v.

GUADALUPE URQUIZO,

Defendant-Petitioner.

Counsel for Petitioner - *Office of the Public Defender, Kathleen T. Baldridge, Assistant Appellate Defender, Santa Fe, NM*

Counsel for Respondent - *Office of the Attorney General, Joel Jacobsen, Assistant Attorney General, Albuquerque, NM*

CAPITAL APPEAL:

NO. 33,354 **Record Proper (2 vol); Transcript (2 CDs); BIC; AB**
(District Judge Sandra A Price)

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

ODEN GUTIERREZ,

Defendant-Appellant.

Counsel for Appellee - *Office of the Attorney General, Sri Mullis, Assistant Attorney General, Albuquerque, NM*

Counsel for Appellant - *Office of the Public Defender, JK Theodosia Johnson, Assistant Appellate Defender, Santa Fe, NM*